

**ENVIRONMENTAL PROTECTION COMMISSION[567]**

**Adopted and Filed**

**Rule making related to certified operators of wastewater treatment plants, water treatment plants, and water distribution systems**

The Environmental Protection Commission (Commission) hereby amends Chapter 81, “Operator Certification: Public Water Supply Systems and Wastewater Treatment Systems,” Iowa Administrative Code.

*Legal Authority for Rule Making*

This rule making is adopted under the authority provided in Iowa Code sections 272C.10 and 455B.222.

*State or Federal Law Implemented*

This rule making implements, in whole or in part, Iowa Code sections 272C.1(6)“x,” 272C.10(5) and 455B.213.

*Purpose and Summary*

This rule making aligns Chapter 81 with Iowa Code chapter 272C as amended by 2020 Iowa Acts, House File 2627, division I (effective January 1, 2021). Iowa Code chapter 272C regulates certain licensed or certified professions, including water treatment operators in Iowa Code section 272C.1(6)“x.” Previously, Iowa Code section 272C.10(5) held that a felony conviction was grounds for the revocation or suspension of a certification so long as the felony was directly related to the profession. Chapter 81 was consistent with this standard.

House File 2627 expanded the law. Now, a directly related lesser criminal conviction which is from a different state, territory, or country which if committed in Iowa would be a felony is also grounds for revocation or suspension. The Commission is amending Chapter 81 to reflect this change.

*Public Comment and Changes to Rule Making*

Notice of Intended Action for this rule making was published in the Iowa Administrative Bulletin on July 28, 2021, as **ARC 5814C**. Written comments were accepted until August 17, 2021. The Commission received one comment from the Iowa Association of Municipal Utilities in support of the rule making. No changes from the Notice have been made.

*Adoption of Rule Making*

This rule making was adopted by the Commission on September 21, 2021.

*Fiscal Impact*

This rule making has no fiscal impact to the State of Iowa. A copy of the fiscal impact statement is available from the Department of Natural Resources (Department) upon request.

*Jobs Impact*

After analysis and review of this rule making, no impact on jobs has been found. A copy of the jobs impact statement is available from the Department upon request.

### *Waivers*

This rule making adopts statutory provisions. Pursuant to Iowa Code section 17A.9, no waiver of these rules is allowed.

### *Review by Administrative Rules Review Committee*

The Administrative Rules Review Committee, a bipartisan legislative committee which oversees rule making by executive branch agencies, may, on its own motion or on written request by any individual or group, review this rule making at its [regular monthly meeting](#) or at a special meeting. The Committee's meetings are open to the public, and interested persons may be heard as provided in Iowa Code section 17A.8(6).

### *Effective Date*

This rule making will become effective on November 24, 2021.

The following rule-making action is adopted:

Amend paragraph **81.17(1)“h”** as follows:

*h.* Conviction of a felony related to the profession or occupation of the licensee. A copy of the record of conviction or plea of guilty shall be conclusive evidence. criminal offenses directly related to the profession or occupation of the operator, consistent with Iowa Code sections 272C.1(8) and 272C.10(5).

[Filed 9/24/21, effective 11/24/21]

[Published 10/20/21]

EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 10/20/21.